

Assembly Bill No. 950

CHAPTER 237

An act to add Section 647.7 to the Penal Code, relating to crimes.

[Approved by Governor August 6, 1997. Filed with
Secretary of State August 6, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 950, Davis. Disorderly conduct: subsequent offense.

Existing law makes it a misdemeanor for anyone, while loitering, prowling, or wandering upon the private property of another, at any time, to peek in the door or window of any inhabited building or structure, where the person has no visible or lawful business with the owner or occupant. Existing law also makes it a misdemeanor for anyone who looks through a hole or opening or views, by means of any instrumentality, into the interior of a room, where the occupant has a reasonable expectation of privacy, with the intent to invade that privacy. A misdemeanor is punishable by imprisonment in a county jail not exceeding 6 months, by a fine not exceeding \$1,000, or by both.

This bill would authorize the court, upon conviction for either of the above offenses, to require counseling as a condition of probation. This bill would also make the 2nd or subsequent conviction for either offense a misdemeanor punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both. By increasing the penalty for an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 647.7 is added to the Penal Code, to read:

647.7. (a) In any case in which a person is convicted of violating subdivision (i) or (k) of Section 647, the court may require counseling as a condition of probation. Any defendant so ordered to be placed in a counseling program shall be responsible for paying the expense of his or her participation in the counseling program as determined by the court. The court shall take into consideration the ability of the defendant to pay, and no defendant shall be denied probation because of his or her inability to pay.

(b) Every person who, having been convicted of violating subdivision (i) or (k) of Section 647, commits a second or subsequent violation of subdivision (i) or (k) of Section 647, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

